

## Part XI. Video Poker

## Chapter 24. Video Draw Poker

## §2407. Operation of Video Draw Poker Devices

A. - A.16. ...

17. All licensees shall post one or more signs at points of entry to the gaming area to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division. The penalty for violation of this subsection shall be \$250 per day for the first offense, \$500 per day for the second offense and \$1000 per day for the third offense. The penalty for fourth and subsequent offenses shall be \$1000 per day or administrative action including but not limited to suspension or revocation.

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:85 (January 1999), LR 27:205 (February 2001).

## Part XIII. Riverboat Gaming

## Chapter 29. Operating Standards

## §2933. Compulsive or Problem Gamblers—Telephone Information and Referral Service—Posting

A. The holder of an operators license shall post one or more signs at points of entry to the designated gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:205 (February 2001).

Hillary J. Crain  
Chairman

0102#035

## RULE

Department of Public Safety and Corrections  
Office of State Police

Approved Citation for Litter Enforcement  
(LAC 55:I.2101).

Pursuant to R.S. 30:2531.7 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services, hereby adopts LAC 55:I.2101. The adoption of §2101 is necessary as a result of the enactment of Act Number 148 of the 1998 First Extraordinary Legislative Session which requires the department to promulgate rules and regulations to provide for a uniform citation document which shall be used for issuing citations of the litter law.

## Title 55

## PUBLIC SAFETY

## Part I. State Police

## Chapter 25. Litter Enforcement

## §2501. Approved Citation for Litter Enforcement

A. The department hereby approves any uniform citation approved and adopted for use pursuant to R.S. 32:398.1 for the enforcement of any litter violations committed in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2531.7.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

Jerry W. Jones  
Undersecretary

0102#047

## ★ RULE

Department of Public Safety and Corrections  
Office of State Police

Collection of DNA Samples for Convicted  
Offenders (LAC 55:I.Chapter 23)

Pursuant to R.S. 15:601 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Public Safety and Corrections, Public Safety Service, Office of State Police adopts LAC 55:I.Chapter 23. Notice is further given that the department adopts the following rules and regulations which establish guidelines for the collection, submission, receipt, identification, storage and disposal of DNA samples for convicted offenders as defined in R.S. 15:601 et seq.

## Title 55

## PUBLIC SAFETY

## Part I. State Police

## Chapter 23. Collection, Submission, Receipt, Identification, Storage and Disposal of DNA Samples

## §2301. Scope, Purpose and Application

A. Scope, Purpose, and Application. To provide rules and regulations governing the collection, submission, receipt, identification, storage and/or disposal of DNA samples for convicted offenders for a state database/CODIS pursuant to R.S. 15:601 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

## §2302. Definitions

*AFIS*—the Automated Fingerprint Identification System operated by the Department of Public Safety and Corrections, Public Safety Services.

*CAJUN*—the Corrections and Justice Unified Network operated by the Department of Public Safety and Corrections.

*CODIS or Combined DNA Index System*—the Federal Bureau of Investigation's national DNA identification index system which facilitates the storage and exchange of DNA

records submitted by state and local criminal justice and law enforcement agencies.

**Crime Laboratory**—Louisiana State Police Crime Laboratory of the Department of Public Safety and Corrections, Public Safety Services.

**Convicted Offender**—a person convicted of a felony sex offense, other specified offense or any other offense for which a DNA sample must be obtained pursuant to R.S. 15:601 et seq.

**Department**—Department of Public Safety and Corrections, Public Safety Services.

**Director**—the Director of the Louisiana State Police Crime Laboratory.

**DNA**—deoxyribonucleic acid.

**DNA Analysis**—DNA typing tests that generate numerical identification information and are obtained from a DNA sample.

**DNA Database**—the DNA identification record system maintained and administered by the director.

**DNA Database Blood Collection Kit or Kit**—the kit provided by the Department for the collection of DNA samples.

**DNA Record**—DNA information that is derived from a DNA sample and DNA analysis and is stored in the state DNA database or in CODIS, including all records pertaining to DNA analysis.

**DNA Sample**—biological evidence of any nature that is utilized to conduct DNA analysis.

**DPS&C**—Department of Public Safety and Corrections.

**Evidence Technician**—individual authorized by the Director to perform the duties set forth in LAC 55:I:2301 et seq.

**FBI**—Federal Bureau of Investigation within the United States Department of Justice.

**FTA**—specialized paper that binds DNA.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:611.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

### **§2303. Collection, Submission, and Identification of DNA Samples for Convicted Offenders**

A. All DNA samples obtained for DNA Analysis from a convicted offender shall be collected using an approved Louisiana State Police Crime Laboratory DNA Database Collection Kit as supplied by the department.

1. Each DNA Database Blood Collection Kit shall contain all necessary materials for blood collection via finger stick and for proper identification of the offender.

2. Each kit shall be numbered sequentially from one kit to the next so that each kit number shall serve as a unique identifier. Any DNA Database Collection Kit Envelope, Kit Shipping Envelope, DNA Database Information Card, DNA Database Collection Card or AFIS or CAJUN Printout identifying the convicted offender that may be used as part of the kit shall have the same number as the kit used for collection.

3. For blood collection, all DNA samples shall be collected by individuals trained and approved to serve as collectors by the Louisiana State Police Crime Laboratory.

4. The collector shall complete the DNA Database Information Card or utilize an AFIS or CAJUN Printout

which contains the identifying information of the collected offender when obtaining a sample.

a. In the event a DNA Database Information Card is used, the collector shall fill in all requested information as completely as possible. This information shall include the offender's name in full, current address, social security number, date of birth, sex, race, state identification number, submitting agency, name and signature and agency of person obtaining the blood sample, date, and form of positive identification shown by the offender.

b. If an AFIS or CAJUN printout is used, identifying information of the offender will be contained on the printout.

c. A DNA Blood Collection Card or a space on the AFIS or CAJUN printout utilized for all necessary collection information shall be filled out as completely as possible and shall include the following information: race, sex, name of blood collector, signature of blood collector, date and time of sample collection, signature of person taking offender's fingerprint, date and time of fingerprint application.

d. The state identification number or Department of Corrections number and name of the offender shall be written on the FTA Blood Collection Paper in the information space provided.

5. Finger stick blood samples shall be obtained using recognized and approved medical procedures, and the following guidelines shall be followed.

a. Prior to each individual blood collection procedure, personnel performing the collection shall put on barrier gloves. The FTA Blood Collection Paper contained within the kit shall not be touched unless the individual collecting the offender's blood is wearing barrier gloves.

b. The tip of the offender's finger shall be wiped with an absorbent alcohol pad.

c. The offender's finger shall be pricked using a sterile, fixed depth lancet.

d. The offender's finger shall be positioned over one of the four circles printed on the FTA Blood Collection Paper, and the finger shall be milked, allowing two drops of blood to fall onto the FTA paper, within the circle. This procedure will be repeated for the remaining three circles if possible.

e. A sterile gauze pad shall be used to wipe off any remaining blood from the offender's finger, and an adhesive bandage shall be affixed to the offender's finger.

f. All medical supplies (lancet, absorbent alcohol pad, gauze pad, barrier gloves) shall be discarded in compliance with standard medical procedures.

g. The blood on the FTA Blood Collection Paper shall be allowed to air dry for approximately 30 minutes. The FTA Blood Collection Paper shall not be touched, nor shall it be allowed to come in contact with any other FTA Blood Collection Paper during the drying and packaging stages.

h. The FTA Blood Collection Paper shall be placed in the protective envelope provided in the kit and sealed. The sealed protective envelope shall be stapled to the DNA Database Collection Card or the Completed AFIS or CAJUN printout which shall then be placed in the kit envelope. The kit envelope flap shall be moistened and the envelope sealed. An evidence or security seal shall then be placed over the envelope seal, and the seal shall be dated and initialed.

1. The sealed kit envelope shall be placed in a pre-addressed mailing envelope which shall be conspicuously marked as containing dried blood specimens with a biohazard label.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:611.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:206 (February 2001).

#### **§2304. Shipping of DNA Samples for Convicted Offenders**

A. DNA samples collected in accordance with these procedures shall be submitted to the Crime Laboratory in person by approved personnel or via delivery service, such as U.S. mail in accordance with the Crime Laboratory's Quality Manual. The mailing envelope shall be mailed or delivered to the Crime Laboratory after collection to the following address:

Louisiana State Police Crime Laboratory  
376 East Airport Drive  
Baton Rouge, LA 70806

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:611.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety, Office of State Police, LR 27:207 (February 2001).

#### **§2305. Record Keeping of DNA Samples for Convicted Offenders**

A. The individual who collects each DNA sample shall provide an accurate, up-to-date list of every DNA sample collected each day of collection. Any failed attempts to collect blood from an offender and the reason for the failure (e.g. refusal of offender to submit, failure to keep scheduled appointment) shall also be indicated. The list will include the following information: the kit number, the offender's name, the name of the person collecting the sample and the submitting agency together with any additional data which the director deems necessary. This information shall be forwarded in the form of an audit sheet to the director on a daily basis, via both facsimile and U.S. mail. If the mailing envelopes are hand delivered to the Crime Laboratory, the audit sheet shall accompany the mailing envelopes being delivered.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:611.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

#### **§2306. Storage of DNA Samples for Convicted Offenders**

A. The sealed kits containing DNA samples shall be stored in a dedicated storage area within the Crime Laboratory. Access to the sealed kits and to the storage area shall be limited to authorized personnel. Any access to or removal/return of the sealed kit or specimen bags shall be performed in accordance with Crime Lab Evidence and Handling Policies and Procedures. Only authorized personnel shall open a sealed kit or specimen bag and shall initial and date the broken seal and shall reseal the kit or specimen bag in accordance with standard forensic operating procedures.

B. DNA samples on FTA Blood Collection Paper, DNA Database Collection Cards, DNA Database Identification Cards, and AFIS or CAJUN printouts shall be stored

indefinitely in a secure storage area unless otherwise required in accordance with R.S. 15:614.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:611.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

#### **§2307. Severability**

A. If any article, section, subsection, sentence, clause or phrase of LAC 55:I:2301 et seq. is for any reason determined to be unconstitutional, contrary to statute, in excess of authority, or otherwise inoperative, such determination shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of LAC 55:I:2301 et seq.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:611.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

Jerry W. Jones  
Undersecretary

0102#046

### **RULE**

Department of Revenue  
Office of the Secretary

Policy Statements (LAC 61:III.101)

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of the Secretary, adopted LAC 61:III.101 to provide for policy statements issued by the Department of Revenue.

The Secretary of Revenue is authorized by R.S. 47:1511 to adopt reasonable Rules and regulations to enforce the provisions relating to the taxes collected and administered by the department. LAC 61:III.101 establishes the types of policy statements to be issued for the proper administration and enforcement of the tax laws and the collection of revenues.

### **Title 61**

### **REVENUE AND TAXATION**

#### **Part III. Department of Revenue; Administrative Provisions and Miscellaneous**

#### **Chapter 1. Agency Guidelines**

#### **§101. Policy Statements**

##### **A. Purpose**

1. This Rule defines the types of policy statements that may be issued and the procedures for issuing them. Policy statements provide guidance as to the department's position and ensure that employees enforce the tax laws correctly, consistently, and fairly.

2. In the past, policy statements issued to provide policy guidance included Rules, Private Letter Rulings, Technical Advisory Memoranda, Policy and Procedure Memoranda, and informal oral and written advice.

3. The following policy statements will now be issued:

a. rules adopted according to the administrative procedure act;